

BRASS & CORDOVA
EDWARD K. BRASS (432)
Attorney for the Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 322-5678
Facsimile: (801) 322-5677

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAAC DYLAN KEMP,

Defendant.

**POSITION OF PARTY WITH RESPECT
TO SENTENCING FACTORS**

Case No. 2:17CR00517-001

Judge Parrish

Mr. Kemp by his attorney, gives notice that he has no objection to the presentence report prepared and filed in this matter on April 23, 2018.

Under 18 U.S.C. § 3553 (a), the Court must consider the following factors:

- (1) The nature and circumstances of the offense history and characteristic of the defendant;
- (2) The need for the sentence to be imposed to
 - (a) Reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense;
 - (b) Afford adequate deterrence to criminal conduct;
 - (c) Protect the public from further crimes of the defendant;

- (d) Provide the defendant with needed educational, vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) The kinds of sentences available;
- (4) The kinds of sentence and the sentencing range established for . . .
- (5) Any pertinent policy statement issued by the United States Sentencing Commission;
- (6) The need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) The need to provide restitution to any victims.

See 18 U.S.C. §3553(a)(1-7).

Mr. Kemp takes the position that the minimum mandatory sentence of 15 years in the Bureau of Prisons would satisfy the statutory factors. Mr. Kemp is 45 years old and, excluding any reduction for good behavior, will be released from his federal sentence when he is roughly 60 years old. That is a sentence that “reflects the seriousness of the offense” and promotes respect for the law. It would deter any thinking person from engaging in similar conduct. However, his sentence will not end there. Mr. Kemp, as the report indicates, is facing an additional mandatory 15 years for *each* count of a ten count information filed in Nebraska. It is apparent from his candor in the presentence process that he will be convicted of at least one of those counts. At a minimum, Mr. Kemp would be sentenced to 15 more years in prison for

engaging in the conduct that is the subject of count 4 in the indictment in this case. Should he live out these sentences, he would be 75 years old when released from prison, and that calculation assumes a conviction on only one count. If he is convicted of multiple counts, and if any of the sentences are run consecutively, he will serve the rest of his life in prison. The interests of the federal government in Mr. Kemp will be adequately served by the 15 years that is the minimum

DATED this 7th day of May, 2018.

/s/ EDWARD K. BRASS

EDWARD K. BRASS

Attorney for the Defendant

ELECTRONIC FILING CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Position of Party with Respect to Sentencing Factors was filed electronically and caused to be served by electronic notice to all parties listed below on this 7th day of May, 2018.

United States Attorney's Office

Jennifer L. Gaston
US Probation

/s/ Maria J. Montoya